

Law Clerk's Conv

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DERRICK R. COOMES
Plaintiff

No. 1: 01cv-00247
(Judge Rambo,

FILED
HARRISBURG, PA

VS.

JUL 18 2001

ROBERT W. MYERS ET.AL.)
Defendants

**JURY TRIAL
MARY E. D'ANDREA, CLERK
DEMANDED**

**MOTION TO STRIKE ANSWER FILED BY DEFENDANTS
AS NON-RESPONSIVE**

To; The Honorable Judges of This Honorable District Court;

COMES NOW: Plaintiff, Derrick R. Coombs, and prays for entry of an ORDER striking the answer filed by DAG Cawley, on June 25th, 2001, in the above captioned matter, as non-responsive, evasive, in non-compliance with rules, and preventing plaintiff from formulating any answer thereto, and in support hereof, it is respectfully averred;

1. DAG Cawley has filed an evasive answer, in violation of FRCP 8, which provides, in pertinent part;

"A party shall state in short and plain terms the defenses to each claim asserted, and shall admit or deny the averments upon which the adverse party relies."

Defendant have failed to follow this clear rule of pleading.

The defendants answer, does not respond to each claim, and admits or denies nothing, and irreparably prejudices plaintiff in forming any answer thereto.

As well as makes any just determination by this Court, impossible.

This is extrinsic fraud, designed to obstruct effective pleading on the merits, and misconduct by adversary party who has already failed to comply with discovery and has attempted to deceive me in that matter as well, to be borne out in other motion to obstruct fair due process defense.

Accordingly, the answer filed by defendants, should be treated as false/evasive per FRCP 8, and FRCP Rule 37(a)(B)(3) and a failure to answer, and stricken, and this matter set for jury trial, or alternative, summary judgment awarded petitioner.

WHEREFORE: It is prayed this Honorable Court, strike defendants answer as non-responsive, and set this matter for jury trial, or alternatively award your plaintiff summary judgment.

~~Respectfully Submitted;~~

Derrick R. Coombs #CH1800
Box 200 Camp Hill Pa.
17001-0200
Pro-Se